

SLR:LDM:CSK
F. #2006R00196
OCDETF # NY-NYE-653

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US DISTRICT COURT E.D.N.Y.

★ JAN 25 2018 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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UNITED STATES OF AMERICA

FINAL ORDER OF FORFEITURE

- against -

06-CR-91 (S-6) (AMD)

06-CR-91 (S-7) (AMD)

JAVIER ANTONIO CALLE SERNA,

Defendant.

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WHEREAS, on or about February 26, 2015, JAVIER ANTONIO CALLE SERNA ("defendant"), entered a guilty plea to Counts One, Two, Three, Counts Four through Six and Count Nine of the above-captioned Indictment 06-CR-91 (S-6) (SLT) (the "Indictment"), charging the defendant with violations of 21 U.S.C. §§ 848(b) and 848(c), 21 U.S.C. §§ 848(e)(1)(A), 963, 959(a) and 18 U.S.C. § 1956(h), respectively;

WHEREAS, on or about February 26, 2015, the defendant also entered a guilty plea to the Sole Count of the above-captioned Superseding Information 06-CR-91 (S-7) (SLT) (the "Information"), charging the defendant with a violation of 18 U.S.C. §§ 201(b)(1)(A) and 201(b)(1)(C);

WHEREAS, on or about June 18, 2015, this Court entered a Preliminary Order of Forfeiture pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure providing for the entry of a forfeiture money judgment in the amount of one billion dollars and no cents (\$1,000,000,000.00) (the "Forfeiture Money Judgment"), and the forfeiture of all right title and interest in the following Forfeited Properties, credited towards the Forfeiture Money Judgment:

(a) approximately \$1,149,077.84 seized by the federal law enforcement agents from bank accounts held in the name of Luz Calle and/or James Mondronero, at Gain Capital Group, LLC, and/or Gain Capital Forex.com UK, Ltd., originally seized pursuant to a court-authorized seizure warrant on or about July 10, 2014;

(b) approximately \$2,698,747.76 seized by federal law enforcement agents from a bank account held in the name of Bast Amron LLP at Suntrust Bank, originally seized pursuant to a court-authorized seizure warrant on or about August 5, 2014;

(c) approximately \$286,750.00 turned over to law enforcement by Edgar Salazar on or about November 4, 2014; and

(d) the approximately \$23,806,491.08 seized by the Drug Enforcement Administration (“DEA”) from on or about June 8, 2012 through 2015, as forfeitable to the United States, pursuant to 18 U.S.C. § 982(a)(1) and 21 U.S.C. § 853(a) as:

(a) property constituting, or derived from, any proceeds obtained directly or indirectly, as a result of the defendant’s violation of 21 U.S.C. §§ 848(b), 848(c) and 848(e)(1)(A), 959, and 963; (b) property used, or intended to be used, in any manner or part, to commit, or to facilitate the defendant’s violation of 21 U.S.C. §§ 848(b), 848(c) and 848(e)(1)(A), 959 and 21 U.S.C. § 963; (c) any of the defendant’s interest in, claim against, and property or contractual rights affording a source of control over, the continuing criminal enterprise; (d) property involved in or traceable to the defendant’s violation of 18 U.S.C. § 1956(h); and/or (e) a substitute asset, pursuant to 21 U.S.C. § 853(p);

WHEREAS, legal notice of the forfeiture was published in this district on the official government website, www.forfeiture.gov, for thirty (30) consecutive days beginning December 3, 2015 and ending on January 1, 2016 (Docket No. 515);

WHEREAS, on or about December 3, 2015 and December 11, 2015, the government served via certified mail return receipt requested, notice to all those persons known to the government who might have an interest in the Forfeited Properties. (Certificate of Service as to Notice of Potential Third Parties, Docket No. 518);

WHEREAS, on or about February 2, 2016, Ross R. Hartog, Chapter 7 Bankruptcy Trustee of Banah International Group, Inc., (“Banah”) filed a third party petition asserting a claim to the Forfeited Properties (Docket Nos. 521, 522);

WHEREAS, after briefing by the relevant parties, and after due consideration of of the issues before it, on or about August 30, 2017, this Court issued a Memorandum and Order dismissing Banah’s third party petition (Docket No. 624); and

WHEREAS, apart from Banah, no other person or entity has filed with the Court any petition or claim in connection with the Forfeited Properties and the time to do so under 21 U.S.C. § 853(n)(2) has expired.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that pursuant to 18 U.S.C. § 982(a)(1), 21 U.S.C. §§ 853(a) and 853(p), and the Preliminary Order of Forfeiture (“Preliminary Order”), all right, title and interest in the Forfeiture Money Judgment, in addition to any and all seized properties that have been or will be seized, restrained and/or forfeited to the government of Colombia or any other foreign government, including, but not limited to the properties listed in Attachment A, which have been forfeited to the government of Colombia and are valued at approximately \$97,788,500.44 (hereinafter, collectively the “Foreign Properties”) and any payments towards the Forfeiture Money Judgment are hereby condemned, forfeited, and vested in the United States of America.

IT IS FURTHER ORDERED that the defendant shall remain liable and assist the United States in effectuating the payments towards the outstanding balance of the Forfeiture Money Judgment consistent with the defendant's obligation under the Preliminary Order.

IT IS FURTHER ORDERED that defendant shall remain liable to forfeit any and all funds that are currently or that may be frozen and/or blocked by any financial institution as a result of the designations by the United States Department of Treasury's Office of Foreign Assets Control ("OFAC") of the defendant, Jaiver Antonio Calle Serna, aka "Manuel Calle Serna" and/or aka "Javier Antonio Calle Serna", as a Specially Designated Narcotics Trafficker ("SDNT") and a Special Designated Narcotics Trafficker Kingpin ("SDNTK"), on or about June 1, 2011.

IT IS FURTHER ORDERED, that the United States Marshals Service, the United States Department of Treasury, or their duly authorized agents and/or contractors be, and hereby are, directed to dispose of the Forfeited Properties and all payments towards the Forfeiture Money Judgment in accordance with all applicable rules and regulations.

IT IS FURTHER ORDERED that the United States District Court for the Eastern District of New York shall retain jurisdiction over this case for the purposes of enforcing the Preliminary Order and this Final Order of Forfeiture and any supplemental orders of forfeiture as may be necessary.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter final judgment of forfeiture to the United States in accordance with the terms of this Final Order and the Preliminary Order of Forfeiture, and the Final Order of Forfeiture shall be made part of the defendant's sentencing and included in the judgment of conviction.

IT IS FURTHER ORDERED that the Clerk of the Court shall send, by inter-office mail, four (4) certified copies of this executed Final Order of Forfeiture to FSA Supervisor Maritza Arroyo, United States Attorney's Office, Eastern District of New York, 271-A Cadman Plaza East, Brooklyn, New York 11201.

Dated: Brooklyn, New York
January 25, 2018

SO ORDERED:

s/Ann M. Donnelly

HONORABLE ANN M. DONNELLY
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK

#	Name of Property	Location (City-Department)	Matricula Number	Area
1	FINCA RANCHO ALEGRE	MUNICIPIO BUGA-VALLE		621 PLAZAS (3.974.400 MTS 2)
			373-6095	1.670.000.000 MTS 2
			373-11638	1.290.000 MTS2
			373-16776	250.000 MTS 2
			373-29316	320.000 MTS2
			373-10933	150.000 MTS2
			373-8589	200 MTS2
2	FINCA LA CAFETERA	MUNICIPIO RIO FRIO-VALLE	384-11161	175.39 PLAZAS (1.122.496 MTS2)
3	FINCA CALIMA	PARCELACIÓN EL LAGO-8A-VALLE	370-164558	10.000 MTS2
4	FINCA LA OFELIA	MUNICIPIO LA TEBaida-QUINDÍO	280-94469 280-94470	47 PLAZAS (300.800 MTS 2)
5	FINCA LOS GUADUALES	MUNICIPIO LA TEBaida-QUINDÍO	280-62873	1.5 PLAZAS (9.600 MTS 2)
6	FINCA EL DIAMANTE	MUNICIPIO LA TEBaida-QUINDÍO	280-23182	70 PLAZAS (448.000 MTS 2)
7	FINCA ESMERALDA	MUNICIPIO LA TEBaida-QUINDÍO	280-33735	58 PLAZAS (371.200 MTS 2)
8	FINCA EL ORINOQUITO	MUNICIPIO LA TEBaida-QUINDÍO	280-60001	123 PLAZAS (787.200 MTS 2)
9	FINCA LA ESPERANZA	MUNICIPIO LA TEBaida-QUINDÍO	280-35198	30 PLAZAS (192.000 MTS 2)
10	LOTE SANTA ROSA			58.000 MTS 2
11	FINCA BESARABIA	MUNICIPIO DE ARMENIA-QUINDÍO	280-79735	33 PLAZAS (211.200 MTS 2)

12	FINCA EL RESTAURANTE (LENINGRADO)	MUNICIPIO LA TEBAIDA-QUINDÍO	280-15509	34 PLAZAS (217.600 MTS 2)
13	FINCA LA HABANA	MUNICIPIO DE BUGA-VALLE		226 PLAZAS (1.446.400 MTS 2)
			373-1763	60.000 MTS 2
			373-1764	110.000 MTS 2
			373-1765	740.000 MTS 2
			373-3954	120.000 MTS 2
			373-3722	410.000 MTS2
15	FINCA LA ESMERALDA	MUNICIPIO DE BUGA-VALLE	384-11246 384-3227 384-31627 384-22884 384-4314 384-70157 384-34475 384-34476 384-4528 384-31641 384-31642	651 PLAZAS (4.166.400 MTS 2)
16	FINCA SAN JOSÉ	MUNICIPIO DE BUGA-VALLE	384-67618 384-80635 38480632 384-80500 384-80501 384-80502 384-80503 384-80636	653 PLAZAS (4.179.200 MTS2)

17	FINCA LA MANGA	MUNICIPIO DE CERRITO-VALLE	373-21119	42 PLAZAS (268.800 MTS 2)
18	LA NUEVE PARCELA	MUNICIPIO DE ROLDANILLO-VALLE	380-11792	9 PLAZAS (57.600 MTS 2)
19	FINCA CAFÉ DE LAS PALMAS	MUNICIPIO DE MARCELLA -RISARALDA	290-16114 290-1599 290-28726 <u>290-1602</u> 290-1605 290-1600 290-1606 290-1607	110 PLAZAS (704.000 MTS 2)
20	FINCA CHALET PARCELAS	MUNICIPIO DE ROLDANILLO-VALLE	380-15340	1.800 MTS 2

21	FINCA "EL CAFÉ DE LAS CECILIAS"	MUNICIPIO DE MARCELLA -RISARALDA	290-112146 290-112147 290-112148 290-112149 290-112150 290-112151 290-112152 290-112153 290-112154 290-112155 290-112156 290-102024 290-102025 290-42270 290-14580	95 PLAZAS (680.000 MTS 2)
22	FINCA LOTE LA Z	CALI-VALLE	370-574048 370-563914 370-574052 370-502538	2.5 PLAZAS (16.000 MTS 2)
23	FINCA LA FLORIDA	BUENAVISTA-CÓRDOBA	141-28884 141-11883 141-11781 141-1295 141-23805 141-23820 141-11832 141-16173 141-16176	532 Hectáreas (5.320.000 MTS 2)

24	FINCA LA ENVIDIA	BUENAVISTA-CÓRDOBA	141-22778 141-7885 141-22779	400 Hectáreas (4.000 MT 2)
25	FINCA VILLA PAOLA	BUENAVISTA-CÓRDOBA	141-0013223	158 Hectáreas (1.580.000 MTS 2)
26	FINCA EL COPEY	MUNICIPIO DEL COPEY -CESAR	190-54311	370 Hectáreas (3.700.000 MTS 2)
27	"LOTE SANTA MARTA"	EL RODADERO (SANTA MARTA)- MAGDALENA	080-83859	37.000 MTS 2
28	FINCA LA MORENITA	ARMENIA- QUINDÍO VEREDA MURILLO	280-124652	26 CUADRAS (166.400 MTS 2)
29	FINCA PRADERA 1	MUNICIPIO DE PRADERA-VALLE VEREDA BOLO SAN ISIDRO	378-56661 378-154265 378-56664 378-11772 378-154266 378-56663	3 Hectárea 4.800 MTS (34.800 MTS 2)
30	FINCA PRADERA 2	MUNICIPIO DE PRADERA-VALLE VEREDA BOLO SAN ISIDRO	378-10957	10 Hectáreas y 2.400 mts (102.400 MTS 2)
31	FINCA JAMUNDÍ	MUNICIPIO JAMUNDÍ-VALLE VEREDA GUACHINTE	370-38624	150 PLAZAS (960.00 MTS 2)
32	FINCA EL PARAÍSO	CIMITARRA-SANTANDER	324-48287 324-5523 324-39433	220 Hectáreas (2.200.000 MST 2)
33	FINCA EL PARAÍSO 2	CIMITARRA-SANTANDER	324-4298	312 Hectáreas (3.120.000 MTS 2)
34	FINCA EL PAISO	CIMITARRA-SANTANDER	324-3903 324-4331	495 Hectareas (4.950.000 MTS 2)

35	FINCA LA SERRANA	MUNICIPIO RISARALDA-CALDAS VEREDA MORRO AZUL	103-3853	120 CUADRAS (768.000 MTS 2)
36	FINCA HACIENDA LOS NARANJOS	MUNICIPIO CIMITARA- VEREDA SAN JUAN DE LA CARRETERA-SANTANDER		365 Hectáreas (3.650.000 MTS 2)
37	FINCA LA TRINIDAD	MUNICIPIO DE PEREIRA-RISARALDA	290-48113 290-48114 290-48115	36 PLAZAS (230.400 MTS 2)
38	FINCA EL PEÑÓN	MUNICIPIO DE GIRARDOT- CUNDINAMARCA	307-27401	
39	FINCA LAS MERCEDES	BUENAVISTA-CÓRDOBA	141-0004555 141-0004076 141-0002602 141-0010962 141-0002796 141-0004736 141-0003854 141-0012513	364 Hectáreas (3.640.000 MTS 2)
40	FINCA LA LORENA	MUNICIPIO CIRCACIA-QUINDIO	280-38099 280-46561	204 PLAZAS (1.305.600 MTS 2)
41	FINCA LA CAROLINA	MUNICIPIO LA TEBAIDA-QUINDÍO	280-102270 280-120299 280-103021 280-103022	119 PLAZAS (761.600 MTS 2)
42	EL SILENCIO	MUNICIPIO LA TEBAIDA-QUINDÍO	280-60004	25 PLAZAS (160.000 MTS)
43	SAN LUIS	MUNICIPIO LA TEBAIDA-QUINDÍO	280-60005	25 PLAZAS (160.000 MTS)
44	LA BARBORA	MUNICIPIO LA TEBAIDA-QUINDÍO	280-74800	61 PLAZAS (390.400 MTS 2)

45	UNKNOWN	MUNICIPIO PRADERA-VALLE	378-89940	UNKNOWN
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